IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

Crl.MC.No. 3123 of 2007()

C.C.NO.54/91 OF J.F.C.M, CHANGANACHERRY

PETITIONER:

RAVEENDRAN, S/O. DAMODARAN,
ATHIRUPARAMBIL VEEDU, CHINGAVANAM KARA,
NATTAKAM VILLAGE, KOTTAYAM.
(C-1431, CENTRAL PRISON, POOJAPPURA).

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3123 of 2007

Dated this the 19th day of October, 2007

O R D E R

The grievance of the petitioner is that he is not granted the set off for which he is entitled under Section 428 Cr.P.C. Report of the learned Magistrate was called for. The learned Magistrate has now reported that the petitioner is entitled for set off and necessary action has been taken to ensure that the petitioner gets the benefit of set off. I am satisfied, in the light of the report of the learned Magistrate, that no further direction is now necessary. The learned counsel for the petitioner does not press for any further orders.

2. This Crl.M.C is, accordingly dismissed as agreed.

(R.BASANT, JUDGE)

rtr/-

R.BASANT, J

Crl.M.C.No.3123 of 2007

Dated this the 10th day of October, 2007

O R D E R

The short grievance of the petitioner is that the warrant of commitment issued to the prison under which he is obliged to serve

the sentence imposed on him in C.C.No.54 of 1991 by the Judicial Magistrate of the First Class, Changanacherry does not specify the period of remand. Even according to the learned counsel for the petitioner, the petitioner is entitled only for 5 days' set off under Section 425 Cr.P.C.

2. Call for a report from the learned Judicial Magistrate of the First Class, Changanacherry. Has the period of set off been specified in the warrant of commitment ? If not, I expect the learned Magistrate to immediately take necessary steps and to specify such period of set off for which the petitioner is entitled. If necessary, it shall be open to the learned Magistrate to request for return of the case records from this Court. Whereupon the Registry shall immediately forward the case records to the Judicial Magistrate of the First Class, Changanassery. The same shall be sent back to this Court immediately after calculating the set off period.

Call on 19.10.07.

(R.BASANT, JUDGE)

rtr/-